

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT L. OGLETREE, JR.)
)
)
v.) No. 3:14-2382
)
) Judge Trauger/Bryant
CHRIS PITTS, ET AL.)

To: The Honorable Aleta A. Trauger, District Judge

REPORT AND RECOMMENDATION

The *pro se* plaintiff filed the complaint in this case on December 23, 2014. (Docket Entry No. 1) By Order entered January 14, 2015 (Docket Entry No. 4), the Court directed that plaintiff be mailed service packets, which plaintiff was to complete and return within thirty days. Plaintiff was “forewarned that the failure to return the completed service packets within the time required could jeopardize his prosecution of this action, but the plaintiff may request additional time for complying with this order if necessary.” *Id.* at 2. On February 6, 2015, plaintiff moved for additional time in which to complete and return the service packets. (Docket Entry No. 8) By Order entered February 9, 2015 (Docket Entry No. 10), the undersigned granted plaintiff until March 9, 2015, to return the completed service packets to the Clerk. However, since the entry and service upon plaintiff of that Order, there has been no further activity in this case. As of the date of this Report and Recommendation, plaintiff has failed to return the completed service packets or to otherwise demonstrate any interest in prosecuting his case. Accordingly, the undersigned RECOMMENDS that this case be DISMISSED for failure to prosecute pursuant to Fed. R.

Civ. P. 41(b).¹

Plaintiff has fourteen (14) days from receipt of this Report and Recommendation in which to file any written objections to it with the District Court. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation.

Thomas v. Arn, 474 U.S. 140 (1985); Cowherd v. Million, 380 F.3d 909, 912 (6th Cir. 2004)(en banc).

ENTERED this 5th day of November, 2015.

s/ John S. Bryant
JOHN S. BRYANT
UNITED STATES MAGISTRATE JUDGE

¹Rule 41(b) of the Federal Rules of Civil Procedure states that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” Dismissals pursuant to this rule may also be accomplished by the court in the absence of a defense motion. Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991).